

**AMENDMENT AND RESPONSE**

Serial Number: 09/652,998

Filing Date: August 31, 2000

Title: CONTAINER CAPACITOR STRUCTURE AND METHOD OF FORMATION THEREOF

**Page 4**

Docket No. 400.153US07

**REMARKS****Objections**

Claim 14 was objected to because of an informality. Applicant respectfully submits that the language of claim 14 has been present in the application since its original filing date, and is a part of the specification. Applicant submits that the language is clear, and that the top capacitor plate is shown extending toward a top of the contact. Extending toward does not require that the top capacitor plate point directly at the top of the contact. Instead, the top capacitor plate does extend toward a top of the capacitor plate. This application has been through five office actions, and the claim has remained unamended to date.

The Examiner also stated that that the amendments filed June 24, 2002 (Paper No. 12) and May 5, 2003 (Paper No. 18) were objected to under 35 U.S.C. § 132 because they "introduce new matters into the disclosure." Applicant traverses this rejection once again. Applicant has repeatedly shown the disclosure present in the specification and figures to support the language. In the latest Office Action, the Examiner has reproduced a Figure from the application that clearly and unambiguously shows the support for the language to which the Office Action objects. Page four of the Office Action dated July 30, 2003, including that Figure, is reproduced below in Appendix A, and is labeled FIG. 12. The Examiner has noted on the figure the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> capacitors. Applicant has added notations showing exactly where the top capacitor plate does not descend between the contact 36 and the first bottom capacitor plate at point A, where the top capacitor plate does not descend between the contact 36 and the second bottom capacitor plate at point B, and where the top capacitor plate does not descend between the contact 36 and the third bottom capacitor plate at point C. Applicant has also amended the claim to more clearly place the contact language in the claim so as to make it more clear what Applicant is claiming. Applicant respectfully submits that the claim language before the amendment was perfectly sufficient to recite the structure, but hopes that the clarification of the language will further aid in the recitation.

**Rejections Under 35 U. S. C. § 112**

Claims 13 and 14 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant traverses this rejection, and points the Examiner to the discussion under the Objections heading above and to the reproduced FIG. 12 contained herein with the notations of points A, B, and C added by Applicant and discussed fully above.

Claims 13 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses this rejection, and directs the Examiner to the reproduction of FIG. 12 herein, whereupon the Examiner has marked the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> capacitors and the trench, and whereupon Applicant has marked points A, B, and C. It is clear from viewing the Figure that the top capacitor plate can indeed line the trench without vertically descending between the contact and any of the bottom capacitor plates as shown at points A, B, and C.

Applicant submits that the rejections are improper, that the claims are allowable, and respectfully requests reconsideration and withdrawal of the rejections.

**Rejections Under 35 U. S. C. § 103**

Claims 13, 14 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker (U.S. Patent No. 5,770,498) in view of Applicant admitted prior art. Applicant strongly traverses this rejection. The Examiner has reproduced FIG. 10 of Becker and has pointed to what is called a 3<sup>rd</sup> capacitor. Applicant is at a loss as to how the structure identified as a 3<sup>rd</sup> capacitor satisfies any structural foundation for a capacitor. Instead, the Examiner identifies an area of the structure that contains no bottom or top plates, no access transistor, no connection to any access transistor, or any of the other structures that are consistent with a capacitor. Furthermore, the allegedly admitted prior art used in the rejection is specifically shown in the specification of the present application to have faults that are corrected with the structures of the present claims.

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**Page 6**

Docket No. 400.153US07

Still further, there is no mention in Becker of any motivation to change the existing processes for forming semiconductors. In fact, it is mentioned in Becker that it is an object to reduce the amount of processing steps. The processes and structures of the present claims actually take a little more processing, and as such would substantially alter the function and purposes of Becker. As such, the references cannot be combined.

Applicant submits that the claims are allowable.

**CONCLUSION**

In view of the above remarks, Applicant respectfully submits that all claims are in condition for allowance and requests reconsideration of the application and allowance of claims.

The Examiner is invited to contact Applicant's attorney to discuss any questions that may remain with respect to the present application.

Respectfully submitted,

Durcan et al.

By their Representatives,

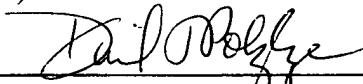
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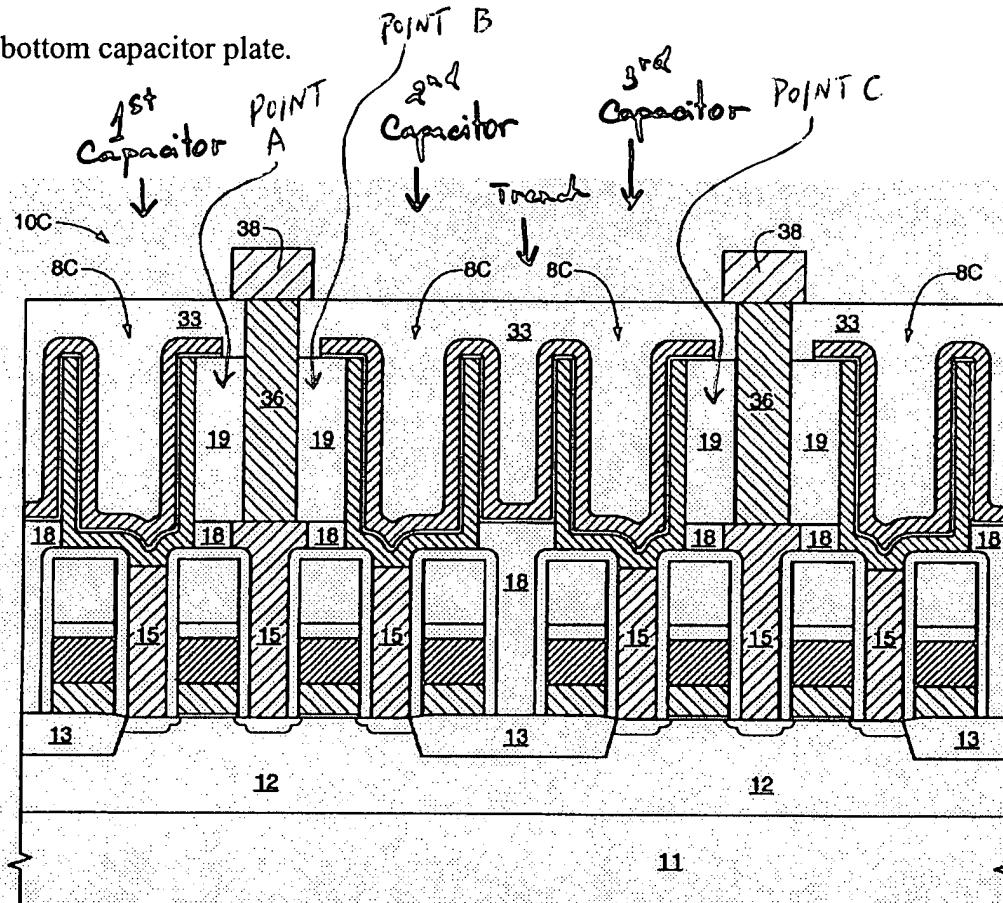
# APPENDIX A

Application/Control Number: 09/652,998

Page 4

Art Unit: 2814

As best understood by the examiner, the top capacitor plate is vertically descent between each of the second and third bottom capacitor plates but does not descent between the first and second bottom capacitor plate.



**FIG. 12**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.